Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of	)	
	)	
Amendment of Parts 73 and 74 of the Commission's Rules to permit unattended operation of broadcast stations and to update broadcast station transmitter control and monitoring requirements.	)	**MM Docket No. 94-130**

TO: The Commission

COMMENTS OF
LIBERTY TEMPLE FULL GOSPEL CHURCH, INC.

Comes now Liberty Temple Full Gospel Church, Inc.("Liberty Temple"), licensee of radio station WCFJ(AM), Chicago Heights, IL, and submits its Comments in response to the Notice of Proposed Rule Making released in the captioned proceeding December 7, 1994. In general, Liberty Temple supports the changes proposed by the Commission in the NPRM and more specifically sets forth hereinafter its comments responsive thereto.[1]

Section 318 of the Communications Act of 1934, as amended, (47 U.S.C. 318) required that stations engaged in broadcasting could be operated only by a person holding an operator's license and that no person could operate broadcasting apparatus except under and in accordance with an operator's license issued to him by the Commission. That section was amended by Section 205(1) of the Telecommunications Authorization Act of 1992, Public Law No. 102-

[1] These comments relate primarily to radio stations.

538, 106 Stat., 3533, to the extent that the Commission was afforded the option to waive or modify the requirement that operators of broadcast stations were required to maintain licenses issued by the Commission. In order to inquire into the public interest considerations involved in waiver of the duty operator's license requirement for stations in the broadcast service, the Commission issued the captioned NPRM, setting forth certain proposals for consideration, particularly relating to the need for (a) retention of the licensing requirement for operators of broadcast transmitters and (b) the wisdom of dispensing with the duty operator at a broadcast transmitter, at a remote control point, or at an automatic transmission system (ATS) monitor, alarm or automatic deactivation point.

In 1981 the Commission revised regulations so as to no longer require a duty operator at broadcast stations to hold a Radiotelephone First Class Operator License or Radiotelephone Third Class Operator License with Broadcast Endorsement, and instead, required that operators hold only the Restricted Radiotelephone Operator Permit which mandated that the licensee ". . . ensure that each transmitter operator is fully instructed and capable to perform all necessary observations and adjustments of the transmitting system and other associated operating duties to ensure compliance with the rules and station authorization".[2] The Restricted Radiotelephone Operator Permit (RP) could be secured

[2] §73.1860(c).

without examination and came to be known in the trade as "the babysitter's license".

The 1981 change did not affect the licensee's ultimate responsibility for operation of his station, and the buck still stopped (and stops) with him. Nor does the NPRM alter that responsibility.

A cursory examination of Commission files reveals no widespread violation of operational rules that could be attributed to the Restricted Radiotelephone Operator Permit. Indeed, the preponderance of violations since adoption of the RP may be attributed to management acts or omissions, rather than the inability of duty operators to comply with existing regulations. Rule violations such as overpower operation, operation with full daytime power during the nighttime hours, EBS deficiencies, lack of protective fences around AM towers, failure to maintain required tower lighting, failure to have required indicating instruments, failure to secure remote control authority, and the like are not attributable to duty operators, but rather to management decisions. The Commission has at least tacitly recognized this distinction by the size of Notices of Apparent Liability (NAL).[3]

Despite the unparalled increase in the number of radio stations over the past twenty years, the Commission has reduced the licensing requirements for duty operator licenses, and the present

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[3] NAL $20,000 for failure to reduce power during nighttime hours (KURS, Chula Vista, CA); NAL $10,000 KDKO-FM, Littleton, CO for failure to change to nighttime power and nighttime DA.

NPRM is yet another step in the direction of lessening the once-stringent requirements for operators. Undoubtedly this is attributable in large measure to the technical improvement in equipment, both for stabilization of radio transmitters and for more accurate rendition of operating parameters and the control thereof by relatively fail-safe equipment at remote control points or automatic transmission system monitoring points.

Obviously, the objective of the Commission in this proceeding is to ensure that a broadcast licensee operates in strict accord with its authorization. Whether this is accomplished by a hands-on operator (with or without a Commission license) or by an automatic system should be of no serious concern to the Commission, so long as they are equally adept at detecting and providing means correcting a deviation from operating parameters. Basically, the Commission's only concern should be that a broadcast licensee adheres to its license, whether through supervision by the holder of a Radiotelephone First Class Operator License, a Radiotelephone Third Class Operator License with Broadcast Endorsement, or a Restricted Radiotelephone Operator Permit, or by competent and conscientious personnel holding no authorization. The NPRM has now sought comments on the alternative of an electronic-mechanical system that will either correct discrepancies or discontinue operation of the transmitter.

In response, the Commission is urged to conclude that if state-of-the-art ATS monitoring equipment is available and can provide reliable assurance that a broadcast transmitter is

performing in accord with its licensed parameters, it should be recognized by the Commission as a substitute for "human control" of broadcast transmitting equipment. Such recognition will require a factual determination or conclusion by the Commission, e.g., that equipment or an equipment system is sufficiently sophisticated and reliable to ensure compliance with Commission rules and licenses. In this connection, two courses are apparently open to the Commission: either reliance upon equipment manufacturers representations and users confirmation of the availability and performance of automation equipment, or the establishment of a type-approval/type-acceptance program as is presently in effect for transmitters and other equipment used by various services administered by the Commission.

Adoption of a type-approved/type-acceptance or certification program with standards to be met would understandably entail additional personnel at the Commission's Laboratory, added expense and more paperwork. In addition, delays in the adoption of standards and testing and approval of individual equipment systems would be involved with resulting disservice of the public interest. The more expedient avenue is for the Commission to permit the use of commercially available ATS systems by licensees, especially since the licensee - and not the ATS equipment - is ultimately responsible for compliance with the terms of a station's license.

The standards now in effect for monitoring transmitter operation, i.e., that applicants for the Restricted Radiotelephone Operator Permit be able to keep a rough-written log, are familiar

with applicable treaties, laws, rules and regulations governing the radio stations they will operate, that they are legally eligible for employment in the United States, are undoubtedly more honored in the breach than in the observance. No test is required and the mere assertion of compliance is accepted. The authority of the vast majority of duty operators is limited to "if the meter goes off scale, push the red button." If the Commission finds such ability acceptable in a duty operator, should it not also accept an ATS system that can perform the same basic function? In its NPRM, the Commission has inquired as to the acceptability of ATS systems that monitor FM or non-directional AM stations on the one hand, and directional AM arrays on the other. This distinction is one of degree only and not of principle. There can be no dispute that an ATS system for monitoring a non-directional AM or FM station need not be so sophisticated as a system to detect differences in the parameters of a multi-towered AM facility with a "tight" pattern. The single-tower one-antenna array presents an easy case for the Commission, and the likelihood of strict compliance with Commission rules and license conditions is relatively easy. On the other hand, a multi-tower array presents an ATS challenge that requires a relatively high degree of sophistication, and the Commission has every right to require the licensee of a directional antenna to install an ATS system responsive to all deviations from licensed values.

Too, the NPRM seeks comments regarding the installation of an ATS system that would report to a human engineer that a discrepancy

exists with respect to a transmitting parameter that would not result in interference to other stations and could be corrected over a relatively long period of time. The Commission should adopt rules that will permit use of such a system by any station opting to do so. In the case of change of parameters that would result in interference to other stations (off-frequency operation, change of phase currents, etc.), automatic correction or disabling of the transmitter should be required immediately, or as the Commission proposes, within three minutes. Again, this is a matter to be accomplished by the development of ATS equipment (or installation of equipment that has been developed) capable of detecting and correcting divergence from licensed values.[4]

The use of automated equipment to control broadcast transmitters must in the last analysis be adjudged as to whether of such equipment can perform the tasks now delegated to "duty operations." If state-of-the-art ATS devices can reliably monitor a station to determine compliance with license values, and take action if a variance occurs, then it should be permitted to be used. Whether a ATS system can in fact so perform is the big question. The Commission can either trust manufacturer's representations, or it can test and approve. Since the licensee is responsible for his station's operation, the Commission should

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[4] In the NPRM, the Commission mentioned automatic warning devices for tower outlights. The attached advertisement from Mobile Radio Technology January 1995 shows that tower light monitoring equipment is readily available for broadcast and other licensees.

trust him to use ATS equipment that will do the job. If the licensee does not provide satisfactory equipment, he does so at his peril.

Conclusion

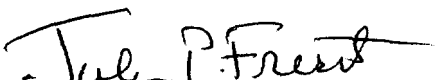
In response to the Notice of Proposed Rule Making, it is respectfully requested that the Commission take the following action:

1. Eliminate the requirement that duty operators obtain and maintain a Restricted Radiotelephone Operator Permit, as unnecessary and burdensome upon both the Commission and duty operators.

2. Eliminate the requirement contained in Section 73.1860 of the rules that broadcast station operation be monitored by a duty operator, and give licensee the option of having a duty operator monitor the transmitter, or installing a state-of-the-art automatic transmission monitoring system, which (a) within a period of two hours either notifies a responsible individual upon change of licensed operating parameters that do not or are not likely to cause interference to other stations; or corrects such discrepancies without intervention of operating personnel; and (b)

in the case of a deviation from operating parameters that causes interference or is likely to cause interference, the automatic system will correct such deviation within three minutes, or shut down the transmitter.

Respectfully submitted,



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Mobile Radio Technology
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Equipment for sale